IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 9481 of 2007(D)

PETITIONER:

M.SURESH BABU, AGED 41 YEARS,
S/O.K.CHATHAN, DEPUTY DIRECTOR,
KERALA KHADI AND VILLAGE INDUSTRIES BOARD,
VANCHIYOOR, TRIVANDRUM, RESIDING OF (MUDOOR)
GRA 332 GOURISAPATTOM, PATTOM PALACE POST,
TRIVANDRUM.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS:

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1. STATE OF KERALA, REP.BY
SHO, NALLALAM POLICE STATION,
NALLALAM, KOZHIKODE, CRIME FIR NO.224/2004.

2. THE SECRETARY,
KERALA SOAPS AND INDUSTRIAL FEDERATION,
REGD. NO.145/89, NALLALAM P.O., KOZHIKODE.

3. KERALA KHADI AND VILLAGE INDUSTRIES
BOARD, VANCHIYOOR, TRIVANDRUM.

4. STATE OF KERALA REP.BY
THE SECRETARY, INDUSTRIES DEPARTMENT,
GOVERNMENT OF KERALA,
SECRETARIAT, TRIVANDRUM.
NOS.1 AND 4 BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.B.JAYASURYA
GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF F.I.R NO.224 OF 2004 DT.30.07.2004 OF NALLALAM POLICE STATION.

EXT.P2: TRUE COPY OF PRIVATE COMPLAINT BY KERALA SOAPS AND INDUSTRIAL FEDERATION AGAINST THE PETITIONER FILED IN JFCM-V, KOZHIKODE.

EXT.P3: TRUE COPY OF MD'S NOTE (PETITIONER'S) TO THE PRESIDENT AND SECRETARY OF KERALA SOAPS AND INDUSTRIAL FEDERATION.

EXT.P4: TRUE COPY OF MEMO DATED 18.12.2002 BY PETITIONER TO MS.HAZEENA.

EXT.P5: TRUE COPY OF LETTER DATED 2.7.03 BY THE PETITIONER TO THE SECRETARY KERALA KHADI & VILLAGE INDUSTRIES BOARD.

EXT.P6: TRUE COPY OF THE PROCEEDINGS OF THE SECRETARY KERALA KHADI & VILLAGE INDUSTRIES BOARD.

EXT.P7: TRUE COPY OF THE LETTER DT.3.10.06 BY SECRETARY KERALA KHADI & VILLAGE INDUSTRIES BOARD TO THE C.I OF POLICE, NALLALAM.

/TRUE COPY/

P.A TO JUDGE

R.BASANT, J

W.P(C).No.9481 of 2007

Dated this the 22nd day of June, 2007

J U D G M E N T

The petitioner has come to this Court aggrieved by Ext.P1 F.I.R registered on the basis of Ext.P2 complaint. Ext.P2 complaint was filed before the learned Magistrate and the same was referred to the police for investigation under Section 156(3) Cr.P.C. Crime was registered. Alleging that there was no proper investigation, the complainant had come to this Court and another Bench of this Court as per order dated 03.04.2006 had directed the Circle Inspector of Police to conduct an expeditious investigation. That order was passed on 03.04.2006 in W.P(C) No.8525 of 2006. Investigation is in progress as directed by this Court. It is at this stage that the petitioner has come to this Court with the present petition to quash the proceedings. Today when the matter came up for hearing, there is no representation for the petitioner. The learned counsel for the 2nd respondent submits that at this stage of investigation, there is absolutely no justification in the prayer for quashing of the F.I.R and the investigation conducted. The investigation has made substantial progress. The Investigating Officer may be permitted to complete the investigation and file a final report, submits the learned counsel for the 2nd respondent.

2. The learned Public Prosecutor also submits that the investigation is in progress in accordance with law and as directed by this Court in the order dated 03.04.2006. Necessary steps shall be taken to expeditiously complete the investigation and file an appropriate final report, submits the learned Public Prosecutor.

3. Having considered all the relevant circumstances, I am of the opinion that it is not necessary at this stage to invoke the powers under Article 226 of the Constitution or Section 482 Cr.P.C and quash the proceedings. It will only be appropriate to direct the Investigating Officer to complete the investigation expeditiously.

4. In the result, this Writ Petition is, dismissed, but it is directed that the Investigating Officer shall complete the investigation as expeditiously as possible - at any rate, within a period of 4 months from this date. Compliance shall be reported to this Court. Needless to say that the petitioner's right to challenge such final report, if the same be necessary, shall remain unfettered by the dismissal of this Writ Petition.

(R.BASANT, JUDGE)

rtr/-